

M I N U T E S -

Committee **Council Development Assessment Panel**
Meeting Held **Tuesday, 9 June 2009 at 5.00pm**
Location **Council Chambers, Bay Road, Victor Harbor**

1. PRESENT

M Canny (Chair)
D Donnon
K Ewens
D Michelmore
D Sinclair-Warren
K Shierlaw
M Battye

In Attendance:

G Pathius- Director of Planning & Regulatory Services
B Coventry - Planning Officer
S Ditter - Consultant Planner
A Russell - Planner

2. APOLOGIES

3. MINUTES OF THE PREVIOUS MEETINGS

LDA 09/0017	Confirmation of the Minutes of the Previous Meeting
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Moved: D Michelmore Seconded: D Sinclair-Warren

That the Minutes of the Previous Council Development Assessment Panel Meeting held on Thursday, 28 April 2009 as per copies supplied to members be adopted as a true and correct record of that meeting.

CARRIED

4. DEVELOPMENT APPLICATIONS

4.1 Proposal: Parking of truck and excavator, operation of excavation business including storage of limited stock materials

Location: 2-6 Meyer Street, Victor Harbor

Applicant: Murray Mill

Recommendation: Approve

In accordance with the Development Act 1993 and Regulations 2008, the following addressed the panel in support of their representation:

1. P & J Tonkin (were not present at the meeting)

Mr Craig Rowe addressed the panel on behalf of the applicant Mr Mill in support of his application.

LDA 09/0018 2-6 Meyer Street, Victor Harbor

Moved: D Sinclair-Warren Seconded: D Michelmore

That the decision be deferred to enable the applicant to provide additional information.

LOST

LDA 09/0019 2-6 Meyer Street, Victor Harbor

Moved: M Battye Seconded: K Ewens

- 1) **RESOLVE that the proposed development is NOT seriously at variance with the provisions in the Development Plan.**
- 2) **RESOLVE to refuse Development Plan Consent to M Mill, Development Application 453/143/09 to park a truck and excavator, operate an excavation business including storage of limited stock materials at 2 - 6 Meyer Street, Victor Harbor (CT 5196/626) for the following reasons:**

1. **The proposed land use would be detrimental to the character and amenity of the locality in which the subject land is situated through the creation of noise, fumes and appearance of the land.**

The proposal is in particular, contrary to the following provisions of the Development Plan:

Council Wide Objectives 7, 9, 74 & 76

Council Wide Principles 2, 11 & 12

Home Industry Zone Principles 2, 3, 5 & 6

CARRIED

4.2 Proposal: Tourist accommodation (two bed and breakfast cottages) (Non-Complying)

Location: Section 295 Adelaide Road, Victor Harbor

Applicant: Ian Hannaford on behalf of the owners J & J Tarca

Recommendation: Seek the concurrence of the Development Assessment Commission

In accordance with the Development Act 1993 and Regulations 2008, the following addressed the panel in support of their representation:

1. Mrs Francis

The owner Mrs Tarca addressed the panel in support of the application.

LDA 09/0020

Section 295 Adelaide Road, Victor Harbor

Moved: D Sinclair-Warren Seconded: D Donnon

Recommend that the Council Development Assessment Panel:

- 1) **RESOLVE** that the proposed development is NOT seriously at variance with the provisions in the Development Plan.
- 2) **RESOLVE** that the Planning Officer be delegated authority to receive and accept amended plans reflecting the proposed Selecta Homes buildings.
- 3) **Resolve** to seek the concurrence of the Development Assessment Commission to grant Development Plan Consent to the Ian Hannaford, Development Application number 453/037/09, for Tourist accommodation (two bed and breakfast cottages) at Section 295 Adelaide Road, Victor Harbor, subject to the following conditions:
 1. The development shall be in accordance with the plans and other details submitted to, and approved by, Council as part of Development Application 453/037/09, except as varied by any subsequent conditions imposed herein.
 2. All driveway and car parking areas shall be maintained in good and substantial condition at all times to the reasonable satisfaction of the Council.
 3. All existing landscaping shall be maintained and nurtured at all times. Any dead or diseased trees, plants, shrubs and/or groundcover shall be replaced with other trees, plants, shrubs and/or groundcover of the same, or similar, respective species and maturity.
 4. The landscaping as detailed in the application for development shall be established prior to occupation/use of the development and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased with others of the same or similar, respective varieties. Such vegetation that is located in front of the Francis's dwelling shall be of a mature height such that it does not impede their view of the Adelaide Road.
 5. All of the car parking, driveway, and vehicle manoeuvring area shall be covered with sufficient crushed rock and aggregate to provide a smooth and durable surface free from mud and dust, and shall be maintained in good condition to the reasonable satisfaction of Council.

6. A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes as follows:
- A supply of 5,000 (five thousand) litres of water shall be available at all times for fire-fighting purposes
 - This supply shall be fitted with a fuel driven pump with a power rating of at least 3.7 kW (5hp) with a minimum inlet diameter of 38 mm or an equivalent system that operates independent of mains electricity and is capable of pressurising the water for fire-fighting purposes
 - All non metal fire-fighting water supply pipes (other than flexible connections and hoses for fire-fighting) shall be buried at least 300mm below finished ground level
 - A hose and nozzle capable of withstanding the pressures of the supplied water, have a maximum length of 30 metres, be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the residence) and shall be readily available at all times
 - The diameter of all fittings and flexible reinforced suction hose connecting the water supply to the fuel driven pump shall have a minimum nominal internal diameter of 18mm
 - Bushfire fighting equipment and water supply shall comply with the Ministers Specification SA 78.
7. An application for a waste control system must be provided to, and approved by, Council pursuant to the provisions of the Waste Control Regulations under the Public and Environmental health Act 1987.
8. An appropriate infill incorporating the use of the material being used for the external cladding of the superstructure, suitably ventilated to meet the requirements of the Building Code of Australia, shall be provided to the underside of the building (from floor level to ground level) within three months of erection of the structure.

CARRIED

4.3 **Proposal:** Dwelling addition and Alterations

Location: No. 15 (Lot 8) Bridge Terrace, Victor Harbor

Applicant: Jill McMahon

Recommendation: Approve

LDA 09/0021

No. 15 Bridge Terrace, Victor Harbor

Moved: D Donnon

Seconded: D Michelmore

Recommend that the Council Development Assessment Panel:

- 1) **RESOLVE** that the proposed development is **NOT** seriously at variance with the provisions in the Development Plan.
- 2) **RESOLVE** to approve Development Plan Consent to the Jill McMahon, Development Application number 453/051/09, for Dwelling additions and alterations at No. 15 (lot 8) Bridge Terrace, Victor Harbor, subject to the following conditions:
 1. The development must be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
 2. The external appearance, materials and finishes of the development shall match or blend with the existing building, and shall be of a low light-reflective nature.
 3. The stormwater disposal from the building and site shall be by means of impervious pipes to the street water table ensuring that the drain under the footpath is either -
 - (a) a single 100mm diameter concrete pipe;
 - (b) an appropriate size steel pipe; or
 - (c) a sewer grade PVC pipe.

Alternatively provide Council with proof of adequacy of a system that will ensure that there will be no adverse effects from redirected surface water to people and other property.

Notes

1. If you are building up to a common boundary, you are strongly encouraged to consult with the adjoining property owner before commencing any work.

Section 5 of the Fences Act, 1975 requires you to give formal notification to, and consult with, the adjoining property owner if you are replacing an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence. A wall that forms part of a building to be located along the boundary is excluded from this formal requirement.

2. Prior to the commencement of construction of the development herein approved, it is recommended that the applicant employs the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be. (PN25)

3. Once development approval is granted, the development must be:
 - a) Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;
 - b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period) and a new development application shall be required; and
 - c) Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods. (PN26)

4. Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

CARRIED

4.4 **Proposal:** Extension of Consent - Land Division
Location: No. 57 Cornhill Road, Victor Harbor
Applicant: M & S Sparvell C/- Andrew and Associates Pty Ltd
Recommendation: Refuse to grant extension

LDA 09/0022	No. 57 Cornhill Road, Victor Harbor
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Moved: D Michelmore Seconded: D Donnon

Pursuant to Section 40(3) of the Development Act 1993, the Development Assessment Panel refuse to extend the period of consent applicable to Development Application 453/D100/04

CARRIED

5. OTHER BUSINESS

Nil

6. **CONFIDENTIAL ITEMS**

Nil

7. **NEXT MEETING**

Tuesday 26th August 2009

8. **CLOSURE**

Meeting declared closed at 6:45pm

Date : _____

Chairperson : _____